

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

Nichole Y. Sartor §
Plaintiff, §
vs. § No. 06-4044
§
Union Pacific Corporation, §
Union Pacific Railroad Company, §
Defendants. §

**PLAINTIFF'S RESPONSE TO UNION PACIFIC CORPORATION'S MOTION
TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)**

COMES NOW Plaintiff, Nichole Sartor, and files this its Response to Union Pacific Corporation's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff asks that this Court deny Defendant's Motion in its entirety.

I.

One of America's leading transportation companies, Union Pacific Corporation ("UPC"), and its wholly owned subsidiary, Union Pacific Railroad Company ("UPRR"), are defendants in an action brought in this Court by Nichole Sartor ("Sartor"). Sartor filed this action because UPC and UPRR's negligence caused a massive explosion on October 15, 2006, in Texarkana, Arkansas that completely obliterated a house Sartor owned and also severely damaged or destroyed Sartor's personal property. Specifically, during the morning hours on October 15, 2005, a Union Pacific train collided with another Union Pacific train resulting in the derailment of multiple railcars. These two trains were believed to be transporting, among other things, highly flammable and dangerous chemicals such as propylene. The collision and derailment resulted in the

rupture of at least one railcar causing the release of propylene and possibly other dangerous chemical into the surrounding area. The released chemicals ignited causing multiple explosions and resulted in the death of one individual and the complete destruction of multiple homes and personal property, including Sartor's house and personal property located at 105 Jackson Street.

On June 2, 2006, Plaintiff filed the above-styled and numbered cause against Union Pacific Corporation and Union Pacific Railroad Company. In response thereto, Union Pacific Corporation filed Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and (6).

II.

Plaintiff files this response asking that the Court deny Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). In support of her Response, Plaintiff attaches hereto her Memorandum Brief which is marked as Exhibit "A." Plaintiff's Memorandum Brief fully sets forth her reasons as to why Defendant's Motion should be dismissed in its entirety.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this Court deny Defendant's Motion to Dismiss in its entirety, and for such other and further relief as she may show herself justly entitled.

Respectfully Submitted,

/s/ R. Benjamin King

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record in the above action who have agreed to service by electronic filing on this 5th day of September, 2006.

/s/ R. Benjamin King
R. Benjamin King